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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

MOSDOS CHOFETZ CHAIM INC.,

Debtor.

Chapter 11 – Post Confirmation

Case No. 12-23616 (RDD)

CONGREGANTS OF MOSDOS CHOFETZ CHAIM
INC. A/K/A KIRYAS RADIN,

Plaintiffs,

- against -

Adv. Proc. No. 21-07023 (SHL)

MOSDOS CHOFETZ CHAIM INC., CHOFETZ
CHAIM INC., TBG RADIN LLC, SHEM OLAM,
LLC, CONGREGATION RADIN DEVELOPMENT
INC., ARYEH ZAKS, BEATRICE WALDMAN
ZAKS, MENDEL ZAKS, GITTEL ZAKS LAYOSH,
ELIYAHU LAYOSH, SAMUEL MARKOWITZ,
DEBORAH ZAKS HILLMAN, YOM T. HENIG,
STEVEN GREEN, DANIEL GREEN, ABRAHAM
ZAKS and STERLING NATIONAL BANK,

Defendants.

ORDER TO SHOW CAUSE

Upon the emergency application of Rabbi Mayer Zaks, Sima Zaks Weintraub, Aron Zaks, Henech Zaks, Yosef Tzvi Zaks, Nochum Brody and Leah Brody (on behalf of themselves and their minor children, Chaya Bracha Brody, Ester Malka Brody, Moshe Aron Brody, Miriam Freda Brody, Batsheva Rivka Brody, Gershon Brody, Sara Devorah Brody, Chana Eitel Brody, Faigy Temams Brody, Shmuel Brody), Yisroel Hochman, Faigy Hochman (on behalf of themselves and

their minor children, Avrohom Gershon Hochman, Yaakov Tzvi Hochman, Menachem Mendel Yosef Hochman, Aron Yehuda Hochman), Shimon Zaks and Leah Zaks (on behalf of themselves and their minor child, Yehoshua Zaks) (collectively, the “Movants” or the “Families”) for an order extending this Court’s order, dated June 3, 2022 (“Stay Order”), which stayed portions of the Court’s prior order, dated April 14, 2022, directing that the Families’ be evicted from their homes by June 15, 2022 (the “Eviction Order”), and upon the accompanying declaration of: Daniel S. Alter, dated July 27, 2022 (“Alter Declaration”);

Let defendants Rabbi Aryeh Zaks, Congregation Radin Development Inc. (“CRDI”), Chofetz Chaim Inc. (“CCI”) and Mosdos Chofetz Chaim Inc. (“Mosdos” and collectively with Rabbi Aryeh Zaks, CRDI, and CCI, (the “Defendants”) show cause before the Honorable Sean H Lane, United States Bankruptcy Judge, Southern District of New York Courtroom ___, 300 Quarropas Street on August __, 2022 at _____ m o’clock of that day or soon thereafter as counsel may be heard why an order should not be entered pursuant to Fed. R. Bankr. P. 8007(a) extending the Stay Order pending appeal of the Eviction Order; and it is further

ORDERED, that on or before July __, 2022, the Movants shall serve this order to show cause and the supporting Alter Declaration upon: (i) counsel to Rabbi Aryeh Zaks, Goldberg Weprin Finkel & Goldstein LLP, 1501 Broadway, 22nd floor, New York, New York 10036, Attn; Kevin Nash; (ii) counsel to Mosdos and CCI, Levine & Associates, 15 Barclay Road, Scarsdale, New York 10583, Attn; Michael Levine; and (iii) counsel for CRDI, Klestadt Winters Jureller Southard & Stevens, LLP, 200 West 41st Street, 17th Floor New York, NY 10036-7203, Attn: Tracy Klestadt, by ECF, which shall be deemed good and sufficient service; and it is further

ORDERED, that the Movants shall serve and file supplemental papers in support of this Order to Show Cause by August ___, 2022; and it is further

ORDERED, that the Defendants shall serve and file their papers in opposition, if any, by August ____, 2022; and it is further

ORDERED, that the Movants shall serve and file their reply papers by August ____, 2022; and it is further

ORDERED, that, due to the exigent circumstances addressed by this application, and as interim relief maintaining the status quo until the parties may be heard, the Stay Order is extended, and the Eviction Order is further stayed on the same terms and conditions set forth in the Stay Order, until further Order of this Court.

Dated: White Plains, New York
July __, 2022

UNITED STATES BANKRUPTCY JUDGE